

1 ERIK BABCOCK (Cal. 172517)
2 LAW OFFICES OF ERIK BABCOCK
3 717 Washington St., 2d Floor
4 Oakland, CA 94607
(510) 452-8400 Tel
(510) 452-8405 Fax

5 Attorney for Defendant
6 ANTHONY McGEE

7 IN THE UNITED STATES DISTRICT COURT
8
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 No. CR 12-0052 EMC

12 Plaintiff,

13 v.

14 ANTHONY McGEE,

15 Defendant /

**STIPULATION AND PROPOSED
ORDER CONTINUING STATUS
HEARING**

16 IT IS HEREBY STIPULATED that the status hearing currently scheduled for April 25,
17 2012 at 2:30 p.m. may be vacated and continued to May 9, 2012 at 2:30 p.m. Counsel for the
18 defendant will be unavailable as he will be in trial in state court.
19

20 The parties further stipulate and move for an exclusion of time under the Speedy Trial
21 Act, 18 U.S.C. § 3161(b), from April 23, 2012 to May 9, 2012. The parties agree, and the Court
22 finds and holds, as follows:

- 23 1. The defendant by and through his attorney, Erik Babcock, Esq., need additional
24 time to investigate the case and effectively to prepare a defense to the charges, and counsel is
25 expected to be unavailable on April 25, 2012. .
26
- 27 2. The defendant agrees to an exclusion of time under the Speedy Trial Act.
28

1 Failure to grant the requested continuance would unreasonably deny defense counsel
2 reasonable time necessary for effective preparation, taking into account the exercise of
3 due diligence.

4
5 3. Given these circumstances, the Court hereby continues the status hearing
6 currently set for April 25, 2012 to May 9, 2012. The Court hereby also finds that the
7 ends of justice served by excluding the period from April 25, 2012 to May 9, 2012
8 outweigh the best interest of the public and the defendant in a speedy trial. §
9 3161(h)(8)(A).

10
11 4. Accordingly, and with the consent of the defendant, the Court orders that the
12 currently scheduled hearing date of April 25, 2012 is vacated, that parties appear for a
13 status conference on May 9, 2012, and that the period from April 25, 2012 to May 9, 2012 be
14 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) &
15 (B)(iv).

16 **SO STIPULATED.**

17 DATED: April 17, 2012

MELINDA HAAG
United States Attorney

20 By: /S/Robert David Rees
21 ROBERT DAVID REES
22 Assistant United States Attorney

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3 DATED: April 17, 2012

4 By: /S/Erik Babcock
5 ERIK BABCOCK
6 Counsel for Defendant

7 **IT IS SO ORDERED.**

8 DATED: April 17, 2012

